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AUTHOR Fowler, William A.
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ABSTRACT

The triad or tripartite concept of school governance is a theory for the involvement of state, federal, and accrediting group oversight of schools. The author, who is the Executive Director of the National Home Study Council points to six problem areas in this theory of institutional regulation: (1) there is a lack of cooperation and communication among the three participants; (2) states are not taking full advantage of the accreditation mechanism; (3) many states do not have a clear understanding of the meaning of accreditation; (4) the states should look to accreditation groups for guidance and assistance; (5) the writing of new laws and regulations seems to take precedence over the enforcement of those already in existence; and (6) many states engage in counter-productive activities and become bogged down in rule writing and non issues. Several general suggestions that center on increased cooperation and communication are offered. (JMF)

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State 310
1001 Connecticut Ave., N.W.
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INSTITUTE FOR EDUCATIONAL LEADERSHIP

POSTSECONDARY EDUCATION CONVENING AUTHORITY

"THE TRIAD IS NOT ALIVE OR WELL!"

by

William A. Fowler
Executive Director
National Home Study Council

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The triad is a theory more talked about than applied. From our national vantage point in Washington, it appears that accrediting groups are becoming increasingly jaded and disenchanted with the much ballyhooed concept of the "triad" or "tripartite" theory of institutional regulation.

We are beginning to feel that the tripartite concept - state, federal and accrediting group oversight of schools - was a convenient metaphor invented by a speechmaker to capture the fancy of a sophisticated audience of regulators, legislators and Washington observers.

POINT I The triad is creaking with the weight of its own shortcomings.

The triad - or tripartite concept of school governance - doesn't even begin to fit reality.

Let me explain why:

(1) The cooperation and close coordination mandated by the triad hasn't been much in evidence. We have less, not more, cooperation from both federal and state agencies as we go about our work.

(2) Our form of accreditation has received less, not more, recognition from states. Laws and regulations now being written rarely give any recognition to the value of accreditation. Special consideration of accredited schools has even been withdrawn by some states: as a consequence, multiplicity and duplication of requirements are spreading.

(3) Most states have not been responding to our requests for information about applicant schools, serving on accrediting teams, exchanging vital

information, sharing "early warning signals" of school problems, keeping us advised of impending new laws, etc. Above all, the "communications net" that a working tripartite concept requires doesn't seem to be functioning at all. The exceptions are those personal contacts we have been able to nuture over the years with a few concerned and interested state officials.

We feel that there is a great deal of room for more cooperation: we believe information should flow freely, that states should give greater encouragement to schools to seek accreditation and that the mutual support and recognition envisioned by the triad should become more of a day-to-day reality.

POINT II States can make good use of the accreditation process.

We believe that the states are not taking full advantage of the accreditation mechanism. For one reason or another, many states choose to ignore accreditation, implementing their own rules and systems which are designed to replace accreditation. Some state officials seem to mistrust or have little respect for accreditation. They seem to view it as a threat to their own authority, and instead of looking upon accrediting agencies as partners available to help them do their own work better, they fear such outside agencies will make their own positions less important and less necessary.

We think such attitudes hamper effective state regulation of schools.

For instance, accreditation offers these benefits to state regulators:

(1) States may rely on accreditation to identify quality schools--schools which meet generally accepted standards of policy, procedure and practice. In the home study field, the vast majority of students are enrolled with accredited schools.

(2) States concerned with interstate operations of home study schools may rely on the national accreditation of a home study school to signify adherence to high ethical practices for all students no matter where they live.

(3) States can effectively increase their oversight responsibilities by sharing information with accrediting agencies--two informed sources are better than one. While one state "may be closer to the action" for a particular school, the national agency is tuned-in to the "big picture"-information comes in from many sources. States can "subscribe" to this information network: the price of admission is agreement to share information and offer mutual support and recognition.

(4) States may enhance their role in consumer protection by participating in the complaint settlement procedures of the national groups. Results include generally prompt resolution of consumer problems and a periodic overall look at the root causes of complaints. The accrediting function looks both at the forest and the trees: we work to resolve individual complaints and we look at patterns of complaints, why they arise, and what schools should do to prevent recurrences.

(5) States may become better informed about school operations and gain deeper insight into the why and how of school practices by participating on accrediting examining teams. Two very useful by-products of such visits are the gaining of more information on schools not provided by state approval - licensing procedures and a perspective on how accrediting groups go about their work. One very helpful area here is the better appreciation of what does or does not constitute institutional financial stability--something a financial statement may not convey very well.

(6) States may call upon the staffs of national accrediting groups to help with the drafting of meaningful, effective laws and regulations. We're glad to help! Since the early days of the Council, when the NHSC authored the first FTC Trade Practice Rules for Home Study, through recent years when our legal counsel prepared a model bill for states, and up to the present day, our posture has always been to help when called upon.

(7) States may learn about school problems earlier than normal if they stay in touch with accrediting groups. This way, the states can be in a better position to deal with "teach out" situations in the event of school closings, etc.

(8) The fact that an accrediting agency for home study schools has been in existence for more than 20 years has helped to create an enviornment in home study education that has been a force for the improvement of schools. In such an environment, below standard schools have been "pressured" into meeting the higher standards of the Commission in order to remain competitive--even though a school itself may never become accredited.

(9) States can-and in some cases do- rely on the accrediting groups to provide assurance of educational quality, thereby avoiding needless duplication of effort on the state's part to ascertain faculty qualifications, quality of texts, etc.

In summary, there are many ways which states can improve their own effectiveness as regulatory agencies by cooperating with accrediting groups-with a substantial savings of state resources.

It is a two-way street, and we stand ready to listen, help and cooperate.

POINT III Understanding Accreditation Helps.

It is our perception that many states do not have a clear understanding of the real meaning of accreditation. Hence, it is easy to see why these states give little recognition to accreditation.

The three most frequent complaints we hear about accreditation are:

(1) The process of accreditation is too subjective -- too open to manipulation-especially since "peer" evaluators are invloved. "Competitive bias taints the process."

(2) The accrediting agencies are not accountable to the states or the

public - they render decisions in a vacuum and are not responsive to needs of consumers, etc.

(3) The seal of accreditation is not a guarantee that a school will not go into bankruptcy or that a sales representative will never misrepresent a fact, or that all advertisements will not be misleading, etc. We have often wondered why other regulators seem to feel that accrediting agencies have the authority and ability to control every act by schools and their many thousands of officers, instructors and representatives.

Perhaps a brief review of the meaning of accreditation will answer these understandable but unfounded criticisms:

Accreditation, simply put, is supposed to accomplish two major goals:

(1) To identify for public purposes educational institutions which meet established standards of educational quality and,

(2) To stimulate improvements in educational institutions.

There are other goals, of course.

How do accrediting agencies respond to the criticisms levelled against them? What is the true meaning of accreditation? Lets take a look at some interesting points:

(1) To assess educational quality, accrediting agencies use experts--and the best experts around are school practitioners, educators, businessmen, technical specialists. Peer evaluation provides truly qualified expert opinion so vital to the process. These examiners do not come from competing schools, and while they render opinions on whether or not a school is meeting the standards, the final authority is the independent Accrediting Commission (which in our case, has a majority of public representatives.)

(2) Accrediting agencies are responsive to public needs--we have adopted new standards over the years in response to public demands; we do solicit input from state, federal and consumer groups; we do encourage participation by outside observers; we do survey the students to get their input.

(3) Accreditation was never meant to be a guarantee of institutional solvency (what group could possibly foresee the financial future of any social unit -- family, city, school and church included). Neither is accreditation an "EKG" mechanism to monitor the minute-by-minute activities of any one school. Rather, accreditation is an expression of confidence in the integrity of a school based on an in-depth look at the school to determine that its policies, procedures and practices meet published standards.

(4) Accreditation abhors imposing uniformity on schools -- it encourages

fresh thinking, innovation and new ways of reaching and teaching people. The standards are minimum guidelines and criteria - schools are encouraged to go beyond them to do better.

(5) Accreditation has historically been concerned with process, not product, and rightly so. We look to certify the courses, the credentials, the practices, the philosophies of schools. If these are sound, then the product (the student's learning) can be useful to the student and to society. But accreditation has gone beyond "process" evaluation. Today, we are concerned with the end "product" of the educational experience. If it is a vocational program, we look to the success of the school in graduating students, in helping them find jobs and to their success on their jobs. We survey and talk to students to get their opinions of the school.

(6) Accreditation is an informed judgment on the school's success in meeting its own stated objectives. It is an external validation that often stimulates self-improvement. We can write all the rules in the world, but if the desire to improve doesn't come from within the school, we're wasting our paper and ink and breath.

(7) The meaning of accreditation to schools is sometimes well described by what it is <u>not</u>:

a. it is not a system permitting tuition to be paid through government guaranteed loans and grants,

b. it is not the right to do business without regard to federal, state and local laws,

c. it is not a way to gain automatic approval of any kind, be it Veterans Administration, Rehabilitation, Indian Affairs or other,

d. it is not a license granting the use of any desired pitch or technique to acquire students and,

e. it is not the right to mimic the questionable practices of another school just because it is accredited.

(8) To states, accreditation and an accrediting agency:

a. should not be the scapegoat or whipping-boy when things go wrong in a school;

b. should not be the cure-all for any and every problem or complaint about a school;

c. should not be a guarantee of future school solvency. I hasten to add that even for those formerly accredited schools which have declared bankruptcy, students have been serviced out;

d. should not be a self-centered, high-handed kangaroo court which

serves the selfish interests of an institution or an industry. (If it were, why would we have terminated the accreditation of some of our largest schools?)

e. should not be thought to be an infallible font of accurate data on the daily activities of schools;

f. should not be just a place to buck complaints, and,

g. should not be considered a dinosaur that has outlived its usefulness because it is "out of touch" with reality. It is alive and well, but needs the help and support of state and federal agencies.

POINT IV Accreditation has features that are positive and unique.

Accrediting agencies have features which enable them to make lasting contributions to postsecondary education.

We were delighted to read this statement by the National Association of State Approving Agencies in a paper entitled The Role of State Approving Agencies in Veterans Education (June 1976):

"The objectives of accrediting agencies are commendable. Their accrediting criteria are sound. State approving agencies recognize and appreciate the invaluable contribution that accrediting agencies have made to the development of educational quality in the nation. State approving agencies and accrediting agencies have some areas of mutual concern. They have found that cooperation and exchanges of information are of mutual benefit."

We appreciate the comments. We hope to continue to merit this kind of endorsement.

But, as we look at what is going on in the states, we see some things which give us pause to say -- "perhaps national accreditation isn't so useless after all."

The Higher Education Daily recently reported the results of a NASASPS survey of state licensure agencies. The survey showed some revealing results.

The NASASPS survey showed that many of the states may not have the staff or resources to do the job. Thirty-two states reported staffs of five persons or fewer, and only one state employs more than 15 people. Fourteen of the state agencies were funded at less that $10,000, including seven budgeted between $1,000 and $2,500 and two with no money, 14 between $10,000 and $50,000, six between $50,000 and $190,000 and five $200,000 or more. Only 26 of the agencies establish their own budgets, while 12 said their expenses are just paid and they don't have any voice in the budget process According to NASASPS, the agencies have jurisdiction over 3,129 proprietary schools enrolling more than 7.7 million students -- and that's just in the 30 states which provided such information.

Our point here is this: some of the built-in features of accreditation groups avoid the problems faced by the states. I think states ought to weigh carefully some of these features before "knocking" peer accreditation too much.

For example:

a. Recognized accrediting agencies are not subject to the whim and fancy of the political process. We have escaped the enervating budget cuts, overnight staff reductions, and threats to existence legislators that exist in some states. The Commission sets its own budget and is not at the mercy of any other group when it comes to funding.

b. The staffs of school accrediting groups have had remarkable longevity compared to most states -- this longevity provides real continuity, an enviable wealth of knowledge, national perspective, and experience that is lacking in many states.

c. Our Commissions have members that come from the public sector-- a majority in our own case -- this permits a broad view of the school field and minimizes the charge that accrediting groups are self-contained protective associations.

d. Accrediting groups have had by and large excellent records in accrediting quality schools. The average NHSC school has been accredited for more than 10 years.

e. It is relatively tough to become accredited: only about one private home study school in ten is accredited, and of the schools that apply, only about one in four becomes accredited.

f. Accrediting agencies have blazed trails in setting standards. Our Commission has had a uniform refund policy since the late 1950's; we have been surveying students; from the beginning, we required financial reports on schools. Every course of every accredited school is examined by outside independent experts; and the list goes on.

g. Accrediting agencies have achieved nationwide reputations as being reliable sources of information on schools. The general public as well as state and federal agencies rely on accreditation. At the National Home Study Council, for example, we distribute about 100,000 of our Directory of Accredited Home Study Schools each year. What better nationwide source is there for an indication of the overall quality of a school?

In sum, states should rightfully look to accreditation for guidance and assistance. The record speaks for itself.

POINT V The writing of new laws and regulations seems to take precedence over the enforcement of those already in existence.

States seem to be very active in writing new laws and rules these days. Meanwhile, quite often in these same states, the adequate enforcement of laws already on the books goes begging.

There appears to be a national mania for "out FTCing the FTC." Laws are becoming more complex, more legalistic, more burdensome, more expensive to observe and enforce, and more extreme. We don't think more laws are necessarily the answer.

At last count, 46 states had laws, and 32 states enforced all 8 standards promulgated by NASASPS. Yet is there are still problems with schools, all this "law writing" has been of dubious value -- especially to students. While time is being wasted on drafting rules, nobody is regulating!

I think there is a real threat to the school field if well-meaning, dedicated people continue to engage in the fruitless excercise of law writing to protect "defenseless victims" of this or that abuse.

States need more:

(1) Adequate state budgets to support effective implementation of current rules;

(2) Competent, knowledgeable people willing to enforce current rules;

(3) Intensive familiarization of regulators with those to be regulated;

(4) Better cooperation and coordination -- i.e., improved communications, mutual recognition, continuous contact -- between states and accrediting agencies.

Here are some very practical suggestions each state could do to improve their effectiveness:

(1) Contact each accrediting agency, express interest and send copies of all current laws and regulations;

(2) Get involved with the schools -- visit them talk to school officials, find our what makes these schools tick;

(3) Put the accrediting groups on the mailing list;

(4) Serve on accrediting teams for each of the various agencies; send staff members to let them get knowledgeable, too;

(5) Respond to requests from accrediting groups for information on schools; share data; implement an informal "early warning" system;

(6) Seek the advice of the staffs of accrediting groups on proposed rules and laws; at the very least, the advice can be rejected!

(7) Participate when possible in national programs as speakers and

resource persons; visit other state officials to learn more of their operation;

(8) Become knowledgeable about the national scene - read the standards of the accrediting groups, keep informed on national legislation, etc.

(9) Establish a good line of communication both horizontally and vertically in your state -- keep your supervisors and sister agencies informed of the important role you play;

(10) When an accrediting agency takes an adverse action against a school in your state, find out why. Take complementary action if possible (a school doesn't lose accreditation without ample cause).

(11) Refrain from "dragging your feet" in processing applications for licenses, approving courses, etc. Maintain good "PR" with the clientele you regulate. Schools are an important state resource. Look at them in this light.

(12) Coordinate with other agencies in the state so that it is possible for an institution to get full, accurate information on all requirements in the state.

POINT VI Misplaced emphasis.

I think some of the states are engaging in some counter-productive activities -- in addition to becoming "bogged down" in rule writing, there has been passage in recent months of rules which either address non-issues or else do serious disservice to the public.

For example:

(1) One state says that all correspondence schools, including accredited schools, must only observe that state's refund policy. Upon a closer look, it develops that such a rule will actually hurt consumers by allowing schools to retain -- in the beginning of a course where cancellations are most likely to occur -- 100% more than the policy allowed by our accrediting agency.

(2) Many states and the federal government are overly concerned with the form and not the substance of regulation: insisting that salesmen be called "solicitors"; insisting that certain language on a contract be printed in red ink; proposing that salesmen carry cards stating "you are talking to a sales representative"; requiring stiff academic credentials for trade education instructors -- such rules lose sight of the fact that responsible, mature laws and responsible state administrators create a climate for responsible, "adult" schools; such laws are an insult and only serve to encourage disrespect for the regulators.

The triad speaks of every regulator except the most effective one: the schools themselves. We find that perhaps the most vigilant scrutiny of school advertising and sales practices occurs when you have competing

schools: in fact, the pressure of opinion of the majority of schools against one "violator" has frequently been the most successful cause for change when one school strays from the "straight and narrow." With today's consumerism, schools simply cannot tolerate one "bad apple" amymore. Self-discipline in schools needs to be encouraged with good laws, and accreditation is the best method we know of encouraging self-discipline.

(3) The issue of school and agent bonding has become increasingly popular with the rule writers. We believe that, with the possible exception of a few cases involving very tiny schools, bonding really hasn't served its intended purpose. In the case of a large correspondence school with a $5,000 or $10,000 or even $50,000 bond, the result is ludicrous. Bonding does not, in our judgment, protect anybody, it benefits few and creates an additional expense to schools which must be passed onto students in the form of higher tuition.

(4) I think we're forgetting the fact that the students of our schools are generally mature, working adults. Today, we find that lifelong learning and career education have given the schools a new clientele. Students are single-minded in their educational and career goals: they do investigate schools before investing their time and money in an education. Recent NHSC surveys show the average age of home study students to be 35; 84% were high school graduates and more than half had yearly incomes exceeding $10,000. This profile should be considered the next time some new rules are proposed.

(5) I think many states have forgotten that another effective regulator is the marketplace: consumers cast their "votes" with their dollars. A school which is offering substandard education at an inflated tuition is not long for the marketplace. Why have 40 million people taken home study courses since 1900? Were all of these people "hoodwinked?"

Good schools have solid track records of achievement, many satisfied students and offer a product that is both wanted and needed.

Let's do more to encourage the capital investment we all have with good schools.

We agree with Bill Kaplin, who wrote in a recent COPA publication:

"The status quo regarding postsecondary educational governance is not acceptable. Almost all informed observers agree that the issue is not whether change is need but what kinds of change should take place. Future analysis should continue the same focus."

We believe that the states, the federal government, the accrediting groups and the schools have a role to play.

We recognize and salute those states which are doing a good job. We appreciate the fact that uniformity in state effectiveness is an ideal we may never see. We are cognizant of our own shortcomings. Most importantly,

we think that some immediate, radical changes in thought and action have to take place soon if schools are to survive the regulatory onslaught they are being subjected to.

Recently, one of our schools wrote us in their Self-Evaluation Report (in response to our question "What do you consider to be the major problem faced by your school?)

> "Simply stated, we feel that regulatory agencies must become much more professional in the area of economic analysis of this Industry. Somehow, someway, they must become more cognizant of the total economic picture. This is particularly true in the application of a refund policy. The refund policy must not only be fair to students but still permit the school to be financially sound. Whatever we can do as an Industry to deliver our message must be done because survival is at stake."

We stand ready to be of help to all states. We ask state help, recognition and support in exchange for the same.

In closing, I am reminded of Alice in Wonderland who, when she was trying to decide which way to go during her travels, asked the Cheshire Cat, "Would you tell me, please, which way I ought to go from here?"

"That depends a good deal on where you want to get to," said the Cat.

"I don't much care where," said Alice.

"Then it doesn't matter which way you go," said the Cat.

Why don't we decide to go the same place together? Maybe we'll get there a lot faster!